

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 201908427	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/20/2019 5:58 AM, Friday, 09/20/2019 7:00 AM	Location of Incident: [REDACTED]	Precinct: 67	18 Mo. SOL 3/20/2021	EO SOL 11/4/2021	
Date/Time CV Reported Mon, 09/23/2019 6:22 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 09/23/2019 6:22 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT David Grieco	03830	940216	INT CIS
2. POM Radoslaw Turowski	09564	954380	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Saul Delacruz	14948	956572	067 PCT
2. POM Edwin Duran	19219	952700	067 PCT
3. POM Hector Casillas	30712	952552	067 PCT
4. POM Besnik Bojkovic	9214	954556	067 PCT
5. LT Joseph Grimm	00000	946688	067 PCT
6. POM Gregory Vasquez	21626	951369	067 PCT
7. POM Flagumy Valcourt	06178	954389	067 PCT
8. POM Joseph Bautista	113	954534	067 PCT
9. POM David Yusim	08592	962183	067 PCT
10. POF Jacqueline Vista	06394	962155	067 PCT
11. POF Deeannmari Vaiau	17916	959327	067 PCT
12. POM Mdthowhed Talukder	26269	967364	REC TNG

Officer(s)	Allegation	Investigator Recommendation
A.POM Radoslaw Turowski	Abuse: Police Officer Radoslaw Turowski entered § 87(2)(b) [REDACTED] In Brooklyn.	[REDACTED]
B.POM Radoslaw Turowski	Abuse: Police Officer Radoslaw Turowski searched § 87(2)(b) [REDACTED] In Brooklyn.	[REDACTED]
C.SGT David Grieco	Abuse: At the 67th Precinct stationhouse, Sergeant David Grieco threatened § 87(2)(b) [REDACTED] with the arrest of § 87(2)(b) [REDACTED]	[REDACTED]
D.SGT David Grieco	Off. Language: At the 67th Precinct stationhouse, Sergeant David Grieco made remarks to § 87(2)(b) [REDACTED] based upon her gender.	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
E.SGT David Grieco	Discourtesy: At the 67th Precinct stationhouse, Sergeant David Grieco spoke discourteously to § 87(2)(b)	
F.SGT David Grieco	Abuse: Sergeant David Grieco entered § 87(2)(b) § 87(2)(b) In Brooklyn.	
G.SGT David Grieco	Abuse: Sergeant David Grieco searched § 87(2)(b) § 87(2)(b) In Brooklyn.	
H.SGT David Grieco	Off. Language: In front § 87(2)(b) in Brooklyn, Sergeant David Grieco made remarks to § 87(2)(b) based upon her gender.	

Case Summary

On September 23, 2019, § 87(2)(b) filed this complaint via the CCRB website on behalf of herself, and her § 87(2)(b)-year-old cousin, § 87(2)(b).

On September 20, 2019, at approximately 6 a.m., Sergeant David Grieco and officers from the 67th Precinct entered and searched § 87(2)(b) in Brooklyn (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). At the 67th Precinct stationhouse, Sgt. Grieco threatened § 87(2)(b) with the arrest of § 87(2)(b) (**Allegation C: Abuse of Authority, § 87(2)(g)**), and called § 87(2)(b) “a bitch” (**Allegation D: Offensive Language, § 87(2)(g)**), and an “asshole” (**Allegation E: Discourtesy, § 87(2)(g)**). Sgt. Grieco and officers entered and searched § 87(2)(b) in Brooklyn (**Allegations F and G: Abuse of Authority, § 87(2)(g)**). Sgt. Grieco also called § 87(2)(b) “a bitch” (**Allegation H: Offensive Language, § 87(2)(g)**).

§ 87(2)(b) and § 87(2)(b)'s uncle, § 87(2)(b) were arrested as a result of this incident. No other arrests or summonses resulted from the incident.

Twenty-one police body worn camera (BWC) videos were received for this incident (Board Review 01 -Board Review 21).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Radoslaw Turowski entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: : Police Officer Radoslaw Turowski searched § 87(2)(b) in Brooklyn.

It is undisputed that on September 20, 2019, Sgt. Grieco and officers from the 67th Precinct entered and searched § 87(2)(b) in Brooklyn, pursuant to a valid no-knock search warrant.

Police documentation confirmed that a valid search warrant #§ 87(2)(b) was issued by § 87(2)(b) on § 87(2)(b), authorizing Police Officer Radoslaw Turowski of the 67th Precinct or any other officer to execute a no knock entry and search of § 87(2)(b) in Brooklyn, at any point during the day or night, and to seize and return to the court any evidence relating to firearms or any weapons that may endanger life (Board Review 22). The warrant also authorizes the arrest, search, and the seizure of any properties found on the subject of the warrant, § 87(2)(b).

New York State Criminal Procedure Law Section 690.50, states that a search warrant authorizes a police officer to conduct a search of designated premises for the purpose of seizing property, and to deliver any property obtained to the court which issued the warrant. Officers are not required to give prior notice of authority or purpose to the occupants of the premises to be searched, provided the search warrant expressly authorizes entry without notice (Board Review 23).

§ 87(2)(g)

Allegation (C) Abuse of Authority: At the 67th Precinct stationhouse, Sergeant David Grieco threatened § 87(2)(b) with the arrest of § 87(2)(b).

Allegation (F) Abuse of Authority: Sergeant David Grieco entered § 87(2)(b) in Brooklyn.

Allegation (G) Abuse of Authority: Sergeant David Grieco searched § 87(2)(b) in Brooklyn.

It is not disputed that officers entered and searched § 87(2)(b)'s bedroom, which was on the second-floor of the house, nor it is disputed that § 87(2)(b) signed a consent to search form (Board Review 24) authorizing the entry and search of his bedroom. It is, however, disputed,

whether § 87(2)(b) voluntarily and without duress gave the officers consent to search his bedroom, and whether Sgt. Grieco coerced § 87(2)(b) into granting the officers consent by threatening to arrest § 87(2)(b).

§ 87(2)(b) (Board Review 25), who identified herself as the owner of the building, which is a two-story multi-family house with two floors, said she was inside her bedroom on the second-floor, when she heard loud noises and “commotion” on the first-floor. She came out of her bedroom, looked downstairs towards the first-floor, and saw multiple officers entering the front door and making their way to the first-floor, which is comprised of a hallway, three bedrooms, a kitchen, living space, and a bathroom. The second-floor is also made up of a hallway, three bedrooms, a kitchen, and a bathroom. A staircase connects the two-floors. § 87(2)(b) lives at the location with her cousin, § 87(2)(b) and her uncle, § 87(2)(b).

§ 87(2)(b) asked one of the officers what was going on. The officer instructed her to remain on the second-floor, and that someone would come and speak with her. At some point, Sgt. Grieco approached the second-floor hallway and spoke with § 87(2)(b). Sgt. Grieco showed § 87(2)(b) the search warrant for the first-floor, and said the officers were looking for § 87(2)(b) whose bedroom was located at the end of the second-floor hallway, came out of his bedroom and asked what was going on. Sgt. Grieco and a second officer approached § 87(2)(b) in the hallway, placed him under arrest, and escorted him downstairs. Sgt. Grieco returned to the second-floor with two uniformed officers, and stationed the two officers in the hallway in front of § 87(2)(b)'s bedroom. Sgt. Grieco told § 87(2)(b) that she was free to enter all the other rooms on the second-floor, except § 87(2)(b)'s bedroom, and that the officers were going to obtain a warrant for the bedroom. Sgt. Grieco and some other officers then transported § 87(2)(b) to the 67th Precinct stationhouse. § 87(2)(b) remained in the house, and thus did not know what transpired at the stationhouse.

Approximately one hour later, Sgt. Grieco returned to the house and proceeded to the second-floor. § 87(2)(b) who was on the first-floor, requested that Sgt. Grieco show her a copy of the search warrant for the second-floor. Sgt. Grieco said that the search warrant was no longer necessary because § 87(2)(b) had given the officers consent to search his bedroom, and that the officers were only going to search § 87(2)(b)'s bedroom. Sgt. Grieco and some of the other officers went upstairs and entered § 87(2)(b)'s bedroom. At some point, Sgt. Grieco returned downstairs, showed § 87(2)(b) the consent to search form § 87(2)(b) signed, and said the officers found a firearm and bullets in § 87(2)(b)'s bedroom. § 87(2)(b) acknowledged that the officers limited their search to § 87(2)(b)'s bedroom. She also said she subsequently found out from § 87(2)(b) that the officers pressured him into signing the consent to search form, and that Sgt. Grieco threatened § 87(2)(b) with the arrest of § 87(2)(b) if he failed to sign the consent to search form.

§ 87(2)(b) was uncooperative with the investigation (Board Review 26). He, however, in a phone statement (Board Review 27) corroborated § 87(2)(b)'s account. He said Sgt. Grieco, while questioning him at the stationhouse, asked him about the whereabouts of a gun. § 87(2)(b) denied having any knowledge of a firearm in the house. Sgt. Grieco told § 87(2)(b) that the officers thus had no choice than to arrest everyone in the house. § 87(2)(b) told Sgt. Grieco that there was no need to arrest his relatives in the house, and that whatever contraband the officers found in the house belonged to him. Sgt. Grieco then asked § 87(2)(b) to sign a consent to search form so the officers could search his bedroom. § 87(2)(b) acknowledged signing the form, but said he felt pressured into signing it because of the threats Sgt. Grieco had made about arresting his relatives in the house. § 87(2)(b) however, did not recall if Sgt. Grieco explicitly or implicitly told him that his relatives would be arrested if he failed to sign the consent to search form, but said he signed the form under duress and that the consent was not freely given.

Sgt. Grieco's BWC (Board Review 01) shows him and multiple officers from the Emergency Services Unit (ESU) and the 67th Precinct entering one of the bedrooms on the first-floor, and speaking with an elderly man, identified via investigation as § 87(2)(b). At 01:00,

§ 87(2)(b) informs Sgt. Grieco that § 87(2)(b) lives on the second-floor, but comes to the first-floor to use the kitchen and bathroom. At 01:40, an ESU officer informs Sgt. Grieco that there is a woman on the second-floor, identified via investigation as § 87(2)(b) who says she is the owner of the building. Sgt. Grieco climbs the steps and approaches § 87(2)(b) in the hallway. Sgt. Grieco asks about § 87(2)(b). At 02:05, § 87(2)(b) confirms that § 87(2)(b) lives on the second-floor, and appears to point to his bedroom. At 02:30, Sgt. Grieco approaches and knocks on § 87(2)(b)'s bedroom door. § 87(2)(b) slightly opens the door, at which point Sgt. Grieco instructs him to exit into the hallway. § 87(2)(b) complies. Sgt. Grieco and a second officer handcuff § 87(2)(b). At 03:12, Sgt. Grieco asks § 87(2)(b) if § 87(2)(b) has access to any of the other rooms on the second floor. She replies that § 87(2)(b) only has access to the first-floor, and his bedroom, and that he does not use any of the other rooms on the second-floor. At 05:33, Sgt. Grieco asks Police Officer Edwin Duran to stand in the hallway in front of § 87(2)(b)'s bedroom, and that Sgt. Grieco was heading to the stationhouse to “read § 87(2)(b) his rights,” and speak with him about his bedroom. At 06:45, Sgt. Grieco returns to § 87(2)(b) bedroom on the first-floor, and tells § 87(2)(b) that his bedroom reeks of marijuana. § 87(2)(b) acknowledges that he smokes marijuana. At 08:00, § 87(2)(b) is placed under arrest for marijuana possession.

PO Duran's BWC (Board Review 02), shows him at 05:52, standing in the hallway in front of § 87(2)(b)'s bedroom door, which is slightly open. At 07:20, PO Duran tells § 87(2)(b) it is possible the officers might attempt to get a judge to amend the parameters of the search warrant to cover the second-floor, hence the reason why PO Duran is standing in front of § 87(2)(b)'s bedroom to prevent anyone from entering. At 12:25, two uniformed officers, identified via investigation as Police Officers David Yusim and Jacqueline Vista, replace PO Duran and stand in front of § 87(2)(b)'s bedroom door. PO Duran returns downstairs and speaks with Sgt. Grieco.

Police Officers Deeannmari Vaiau and Mdthowhed Talukder BWCs (Board Review 03 – Board Review 05), show them transporting § 87(2)(b) and § 87(2)(b) to the 67th Precinct stationhouse. The officers per their BWC timestamp, leave the scene of arrest at approximately 6:11 a.m., and arrive at the stationhouse at approximately 6:16 a.m., on the incident date. At 15:26, PO Talukder (Board Review 03) escorts § 87(2)(b) away from the desk and lodges him in the cell. At 19:30, which per the BWC timestamp is approximately 6:30 a.m., PO Talukder removes § 87(2)(b) from the cell, and hands him over to Sgt. Grieco and PO Duran. PO Deeannmari and PO Talukder's videos do not depict any conversation regarding consent to search § 87(2)(b)'s bedroom.

PO Duran's BWC recording at the stationhouse (Board Review 06), per the BWC timestamp, begins at approximately 6:55 a.m., on the incident date, which is approximately 15 minutes after PO Talukder handed custody of § 87(2)(b) to PO Duran and Sgt. Grieco. The footage shows Sgt. Grieco speaking with § 87(2)(b) inside an office, but the audio does not engage until 00:30. Sgt. Grieco gets up and leaves the frame of the camera. PO Duran approaches the camera frame, and begins to explain the Miranda warnings to § 87(2)(b). At 02:00, § 87(2)(b) acknowledges that he understands the content of the Miranda warnings, and proceeds to sign the Miranda waiver form. At 02:51, PO Duran explains the contents of the consent to search form to § 87(2)(b). § 87(2)(b) acknowledges that he understands the content of the form, and signs it.

PO Duran and Sgt. Grieco's final BWC recordings of this incident (Board Review 07 – Board Review 09), shows them returning to § 87(2)(b) after speaking with § 87(2)(b) at the stationhouse. PO Duran, Sgt. Grieco, PO Turowski, and a fourth officer climb the steps and head towards § 87(2)(b)'s bedroom door. The two uniformed officers at the door move aside, and PO Duran and PO Turowski enter and search the bedroom. Between 03:40 and 03:50, PO Duran's BWC captures the officers recovering three plastic bags containing what appears to be

bullets from underneath § 87(2)(b)'s mattress. At 05:44, PO Duran also finds a handgun tucked underneath the mattress. The search does not yield any additional results for any contraband.

Sgt. Grieco's testimony (Board Review 28) was consistent with the BWC footage. Sgt. Grieco acknowledged that his decision to station officers in front of § 87(2)(b)'s bedroom was based on his suspicion that § 87(2)(b) given that he had access to the bedroom and was the subject of a firearms investigation, was possibly hiding the firearm in the bedroom, and thus did not want anyone to enter or exit the bedroom until he had spoken to § 87(2)(b) and made a determination as to whether to include the bedroom within the parameters of the search. Sgt. Grieco did not recall if any attempts were made to amend the parameters of the search warrant to cover the second-floor, but said such actions were not required because § 87(2)(b) cooperated with the officers and voluntarily gave them permission to enter and search his bedroom, which together with the first-floor were the focus of the officers' investigation. Sgt. Grieco acknowledged that the officers, absent consent or a search warrant, would not have been able to enter and search § 87(2)(b)'s bedroom, and said another reason why the officers limited the scope of the search to § 87(2)(b)'s bedroom was because § 87(2)(b) only had authority over his bedroom, and thus could only consent to the search of his bedroom. Sgt. Grieco said he and PO Duran did not at any point threaten or coerce § 87(2)(b) into authorizing the entry and search of his bedroom, and said § 87(2)(b) voluntarily and freely gave the officers consent. Sgt. Grieco did not recall having any conversation with § 87(2)(b) at the stationhouse at any point prior to him being informed of his Miranda Rights, nor did he recall what he and PO Duran did after PO Talukder handed custody of § 87(2)(b) but said it was possible they might have processed § 87(2)(b)'s arrest before reading him his rights. Sgt. Grieco nonetheless denied threatening § 87(2)(b) with the arrest of any of his relatives if he failed to grant the officers permission to search his bedroom, and said the officers did not have probable cause to arrest § 87(2)(b). He also said § 87(2)(b) the only other occupant in the house, was arrested for marijuana possession, and § 87(2)(b)'s arrest was not an attempt to coerce or intimidate § 87(2)(b) into signing the consent to search form.

According to the Office of Court Administration (OCA) and the Kings County District Attorney's Office, there is no public record of § 87(2)(b)'s arrest stemming from this incident (Board Review 29 – Board Review 30). § 87(2)(b), § 87(2)(b)'s defense attorney, indicated that the Kings County District Attorney's office dismissed the criminal case against § 87(2)(b) two months after his arrest, and that District Attorney's office offered no explanation as to why the case was dismissed (Board Review 40).

Absent consent or exigent circumstances, an officer may not make a warrantless entry into a given premises in which an individual has a legitimate expectation of privacy, Payton v. New York, 445 U.S. 573 (1980) (Board Review 31). Consent to search must be a free and unconstrained choice. Official coercion, even if deviously subtle, nullifies apparent consent, People v. Gonzalez, 39 N.Y.2d 122 (1976) (Board Review 32).

The video evidence, § 87(2)(g) establishes that the officers informed § 87(2)(b) of the contents of the consent to search form prior to him signing the form, and that he signed the form prior the officers entry and search of his bedroom. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (D) Offensive Language: At the 67th Precinct stationhouse, Sergeant David Grieco made remarks to § 87(2)(b) based upon her gender.

Allegation (E) Discourtesy: At the 67th Precinct stationhouse, Sergeant David Grieco spoke discourteously to § 87(2)(b).

Allegation (H) Offensive Language: In front of § 87(2)(b) in Brooklyn, Sergeant David Grieco made remarks to § 87(2)(b) based upon her gender.

§ 87(2)(b) (Board Review 27) said Sgt. Grieco repeatedly called § 87(2)(b) a “bitch” and “an asshole,” while speaking with him inside the stationhouse, and that he did not recall what prompted Sgt. Grieco to make such statements about § 87(2)(b).

§ 87(2)(b)'s father, § 87(2)(b) (Board Review 33) said he received a phone call from § 87(2)(b) that officers were searching her home, and requested that he come over to the location. § 87(2)(b) arrived at the location at approximately 7 a.m., and saw multiple officers inside and in front of the building. § 87(2)(b) at some point, approached Sgt. Grieco, and asked if everything was okay. Sgt. Grieco said everything was okay, except, “That bitch on the steps, referring to § 87(2)(b) replied, “The bitch you are referring to is my daughter.” Sgt. Grieco walked away.

§ 87(2)(b) did not witness any of the above allegations, but said her father and § 87(2)(b) subsequently informed her about the statements Sgt. Grieco allegedly made about her.

Sgt. Grieco denied making any of the alleged statements about § 87(2)(b) to § 87(2)(b) or § 87(2)(b) and also denied using any form of profanities or offensive remarks about § 87(2)(b).

None of the BWC videos depict any interaction between Sgt. Grieco and § 87(2)(b) nor do they capture any detailed conversation between Sgt. Grieco and § 87(2)(b). § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (Board Review 34 – Board Review 35).
- PO Turowski has been a member-of-service for seven years and has been a subject in four CCRB complaints and eight allegations, none of which were substantiated, § 87(2)(g).
- Sgt. Grieco has been a member-of-service for 14-years and has been a subject in 41 CCRB complaints and 117 allegations, of which 12 were substantiated, and 36 are pending investigation:
 - Case #201111996 involved a substantiated entry and search allegations. The Board recommended Command Discipline. The NYPD imposed instructions.
 - Case #201207718 involved a substantiated stop of a person allegation. The Board recommended charges. The NYPD imposed a penalty of a forfeiture of one vacation day.
 - Case #201405351 involved substantiated entry and search allegations. The Board recommended charges. The NYPD imposed no penalty.
 - Case #201800398 involved substantiated threat of summons, search of a person, and a vehicle stop and search allegations. The Board recommended charges. The NYPD is yet to impose discipline.
 - Case #201901422 involved a substantiated threat of force allegation. The Board recommended formalized training. The NYPD imposed instructions.

- Case #201903162 involved four allegations of supervising unlawful arrests. The board recommended formalized training. The NYPD is yet to impose discipline.
- Sgt. Grieco has been a subject in 16 premises entry and search allegations, seven threats of arrest allegations, and three discourtesy and offensive remark allegations.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- § 87(2)(b) and § 87(2)(b) through their attorney, § 87(2)(b), filed a Notice of Claim with the City of New York claiming infringements and violations of their civil rights and liberties, unlawful detainments, false arrests, malicious prosecution, and emotional stress and trauma, and are seeking financial compensation of \$5,000,000.00 (Board Review 36 – Board Review 38).
- § 87(2)(b)
- According to OCA, § 87(2)(b) does not have any history of convictions in New York City (Board Review 39).

Squad No.: 1

Investigator:	<u>Enoch Sowah</u> Signature	<u>Inv. Sowah</u> Print Title & Name	<u>12/10/2020</u> Date
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Squad Leader:	<u>Mgr. Joy Almeyda</u> Signature	<u></u> Print Title & Name	<u>12.10.20</u> Date
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Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date
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